

## REMARKS/ARGUMENTS

This Amendment is submitted in reply to the First Office Action dated June 9, 2009. Applicant respectfully requests reconsideration and further examination of the patent application pursuant to 37 C.F.R. § 1.111.

### **Summary of the Examiner's rejections**

Claims 1-3, 7-11, 15-17, 23-25 and 30-35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nevo (WO 00/04729).

Claims 4-6, 12 and 18-22 under 35 U.S.C. § 103(a) as being unpatentable over Nevo, in view of Leprieur (US. 6,959,201).

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nevo (WO 00/04729).

### **Summary of claim amendments**

Applicant has amended independent claims 1 and 16. The support for the amendments to independent claims 1 and 16 can be found on page 3, lines 31-35, and page 11, line 9 through page 16, line 15 in the originally filed patent application. No new subject matter has been added.

### **Remarks regarding the §102(b) and §103(a) rejections**

Applicant respectfully submits that the amended independent claim 1 is not disclosed or suggested by Nevo, Leprieur or any combination thereof. The amended independent claim 1 recites the following:

1. A method for internally synchronizing measurements in a mobile communication apparatus having a first active radio access means adapted to communicate according to a first radio access technology (RAT) and a second passive radio access means adapted to communicate according to a second RAT, comprising:

generating a time reference common to the first and the second radio access means;

obtaining, by said first radio access means, a time schedule in a time format of said first radio access means, said time schedule indicating a time gap during which the

second radio access means is allowed to be active and not interrupt with communications of the first radio access means;

    determining an activation time of the time schedule based on the common time reference;

        forwarding said time schedule to said second radio access means; and

        translating said time schedule by said second radio access means into a time format of said second access means (emphasis on main distinguishing limitations).

The amended independent claim 1 now recites limitations where "the mobile communication apparatus internally synchronizes measurements" and where "the mobile communication apparatus obtains a time schedule that indicates a time gap during which a second radio access means is allowed to be active and not interrupt communications of a first radio access means". Nevo does not disclose, teach or suggest these claimed limitations. In particular, Nevo discloses three embodiments where a mobile station (MS) is handed-over from a first base station (which is of a first type) to a second base station (which is of a second type). Nevo's three embodiments are discussed in detail next after which it will become apparent that neither of these embodiments taken alone or combined discloses, teaches or suggests the new features of the amended independent claim 1.

Referring to Nevo's first embodiment, the following is disclosed:

In some of these preferred embodiments, the MS is in communication with a CDMA base station, when it is determined that the unit may be handed over to a GSM/TDMA base station. CDMA transmission by the MS transceiver is interrupted temporarily, during which time the unit performs a GSM neighbor scan, generally in accordance with GSM standards, to acquire and synchronize to the TDMA base station. Preferably, the CDMA transmission is interrupted for a single frame, typically 20 msec long, creating an idle time slot in accordance with the IS95 standard. After the TDMA base station is identified, and suitable messages have been exchanged, a traffic channel between the base station is opened, and the MS is switched to the TDMA base station while interruption of a telephone call being conducted by the MS is substantially minimized.

(see page 4, lines 18-29)

As can be seen, Nevo's first embodiment requires that the MS interrupt the telephone call with the CDMA base station in order to acquire and synchronize to the

GSM/TDMA base station. In contrast, the claimed invention enables the mobile communication apparatus's first radio access means to maintain non-interrupted communications with a first telecommunications network while the mobile communication's apparatus's second radio access means is actively communicating with a second telecommunications network (see also FIG. 1 in the originally filed patent application). In addition, Nevo's first embodiment requires the MS to obtain the synchronized clock signal from the GSM/TDMA base station before the MS can acquire and synchronize to that particular GSM/TDMA base station. This is because the GSM/TDMA base station has its own synchronization clock and thus needs to provide this information to the MS (see page 4, lines 12-14). In contrast, the claimed invention enables the mobile communication apparatus to internally synchronize measurements of the first radio access means and the second radio access means without having to obtain synchronization information externally from the remote base stations or any other remote device. Thus, Nevo's first embodiment does not disclose or suggest the claimed invention. Leprieur does not cure Nevo's defects.

Referring to Nevo's second embodiment, the following is disclosed:

In others of these preferred embodiments, the MS is in communication with a TDMA base station, when it is determined that the unit may be handed over to a CDMA base station. In order to synchronize with the CDMA station, the MS acquires the time of day, preferably by receiving an accurate time of day from the TDMA base station, wherein the GSM network is provided with equipment necessary to generate and broadcast the time of day. Preferably, the network includes a cell broadcast system (CBS), in accordance with the GSM standard, which is used to receive the time of day, provided, for example, by the Global Positioning System (GPS) or received from one or more of the CDMA base stations, and broadcast it through the network to the MSs.

(see page 4, line 30 through page 5, line 6)

As can be seen, Nevo's second embodiment requires that the MS obtain the time of day from the TDMA base station. The MS needs the time of day before it can acquire and synchronize to the CDMA base station (see page 4, lines 14-15). In contrast, the claimed invention enables the mobile communication apparatus to internally synchronize measurements of the first radio access means and the second radio

access means without having to obtain any information externally from the remote base stations or any other remote device. Thus, Nevo's second embodiment does not disclose or suggest the claimed invention. Leprieur does not cure Nevo's defects.

Referring to Nevo's third embodiment, this is an alternative to the second embodiment's scenario where the MS is in communication with a TDMA base station when it is determined that the MS may be handed over to a CDMA base station. However, in the third embodiment, the MS temporarily interrupts the TDMA reception to obtain the time of day from the CDMA base station so that the MS can acquire and synchronize to the CDMA base station (see page 5, lines 7-8). In contrast, the claimed invention enables the mobile communication apparatus's first radio access means to maintain non-interrupted communications with a first telecommunications network while the mobile communication's apparatus's second radio access means is actively communicating with a second telecommunications network (see also FIG. 1 in the originally filed patent application). In addition, Nevo's third embodiment requires the MS to obtain the synchronized clock signal from the CDMA base station before the MS can acquire and synchronize to that particular CDMA base station. In contrast, the claimed invention enables the mobile communication apparatus to internally synchronize measurements of the first radio access means and the second radio access means without having to obtain synchronization information externally from the remote base stations or any other remote device. Thus, Nevo's third embodiment does not disclose or suggest the claimed invention. Leprieur does not cure Nevo's defects.

In the Office Action, the Examiner in response to the Applicant's previous arguments regarding the mobile communication apparatus having internal synchronization stated the following:

Regarding Nevo not teaching the mobile station comprising internal synchronization, the mobile station synchronizes itself to either radio access technology, either the TDMA or the CDMA, according to which one it will communicate with during a handover from one of said radio access technologies to the other, indicating the mobile station of Nevo comprises internal clock synchronization and the translation feature, where both types of communication

networks have their own synchronization clock and thus their own time format, as indicated on pg. 4, lines 7-17.

(see page 20 in the pending Office Action).

Applicant respectfully submits that the Examiner's characterization where Nevo's MS has internal synchronization is misplaced. As discussed above, Nevo's MS must receive a synchronized clock signal from the GSM/TDMA base station before the MS can acquire and synchronize to the GSM/TDMA base station (Nevo's first embodiment). Plus, Nevo's MS must receive the time of day from the GSM/TDMA base station before the MS can acquire and synchronize to the CDMA base station (Nevo's second embodiment). Furthermore, Nevo's MS must receive the time of day from the CDMA base station before the MS can acquire and synchronize to the CDMA base station (Nevo's third embodiment). Thus, Nevo's MS must receive synchronizing information from an external device before it can synchronize to the CDMA base station or the TDMA base station. This is not the case with the claimed invention. In view of at least the foregoing, Applicant submits that the aforementioned substantial differences between Nevo and Leprieur and the amended independent claim 1 are indicative of the patentability of the amended independent claim 1 and the corresponding dependent claims 2-12 and 15.

Applicant respectfully submits that the amended independent claim 16 is patentable in view of Nevo, Leprieur or any combination thereof. The independent claim 16 recites the same or similar distinguishing limitations that have been discussed above with respect to amended independent claim 1. As such, the aforementioned remarks regarding the patentability of independent claim 1 apply as well to independent claim 16. Accordingly, Applicant respectfully submits that independent claim 16 and the corresponding dependent claims 17-25 and 28-35 are patentable in view of Nevo, Leprieur or any combination thereof.

**CONCLUSION**

In view of the foregoing remarks, Applicant believes all of the claims currently pending in the application to be in a condition for allowance. Therefore, Applicant respectfully requests that the Examiner withdraw all objections and rejections and issue a Notice of Allowance for pending claims 1-12, 15-25, and 28-35.

The Commissioner is hereby authorized to charge any fees for this paper to Deposit Account No. 50-1379.

Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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